

fully engaged in the manufacture, transportation, storage, or distribution of prescription drugs, and since the article was not to be dispensed upon prescription, as required by 503(b)(1); and 503(b)(4)—the article was a drug subject to the provisions of 503(b)(1), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: 7-15-60. Default—delivered to the Food and Drug Administration.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

6424. Amphetamine tablets or capsules and barbiturate tablets or capsules.
(F.D.C. No. 45098. S. Nos. 3-758/9 R.)

QUANTITY: 135,000 amphetamine tablets or capsules and 10,000 barbiturate tablets or capsules at Baltimore, Md., in possession of Edward Michael Horvath.

SHIPPED: 11-20-60, from outside the State of Maryland.

LIBELED: 11-21-60, Dist. Md.

CHARGE: 502(f)(1)—while held for sale, the labeling of the article failed to bear adequate directions for use and the articles were not exempt from that requirement since they were prescription drugs in the possession of a person not lawfully engaged in distributing or dispensing prescription drugs.

DISPOSITION: 12-13-60. Default—delivered to the Food and Drug Administration.

6425. W & S Protein 90. (F.D.C. No. 44854. S. No. 20-470 R.)

QUANTITY: 9 cases, each containing 6 pkgs., each pkg. containing 1 30-capsule btl. and 1 360-tablet btl., at Warren, Mich.

SHIPPED: 4-13-60, from Riverside, Calif., by Ward & Stalnaker.

LABEL IN PART: (Pkg.) "W & S Protein 90 * * * Package contains 360 tablets W & S Protein 90 30 capsules W & S Protein 90 Supplement * * * Each tablet contains: Protein (Natural Meat) 90% Moisture 3% Ash 7% Carbohydrates 0 Fat 0 Supplement Ingredients: Sodium Carboxy Methyl Cellulose 8 grains Phenylasitin (conc. Prune) 9.5 mg. Essential Amino Acids; Natural Amino Acids of meat proteins essential in the daily diet * * * W-S Sales Riverside, California."

ACCOMPANYING LABELING: Folders entitled "Secrets of Natural Health" and "Secrets of Weight Control."

RESULTS OF INVESTIGATION: Analysis of the article showed that it contained approximately 75 percent of the declared amount of protein.

LIBELED: 8-29-60, E. Dist. Mich.

CHARGE: 502(a)—when shipped, the labeling of the article contained false and misleading representations that the article was adequate and effective for reducing and for the control of body weight, and thus to prevent heart failure, heart disease, varicose veins, gall-bladder trouble, arthritis, ruptures, hernia, cancer, diabetes, hardening of the arteries, high blood pressure, osteoarthritis of the lower back and knees, flat feet and other orthopedic disorders, psychoneurosis, and other serious diseases; and that the article would produce longevity; energy; strength, radiant health, maintain normal body weight,

*See also No. 6423.